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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,419	12/17/2003	Gilles Boccon-Gibod	4630-010	8339

22440 7590 11/13/2008

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ART UNIT	**PAPER NUMBER**
2421	

MAIL DATE	DELIVERY MODE
11/13/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/738,419	BOCCON-GIBOD ET AL.	
	Examiner	Art Unit	
	CHRIS PARRY	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-16,18-25 and 27-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-16,18-25 and 27-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2-16, 18-25, and 27-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 10 recites the limitation "method of claim 1" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the examiner will assume claim 10 is a dependent of claim 32.

5. Claim 30 recites the limitation "system of claim 30" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. For the purposes of examination, the examiner will assume claim 30 is a dependent of claim 29.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 2-16, 18-24, and 32-36 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. "Williams" (USPN 5,977,964).

Regarding Claim 25, Williams discloses a system (100 – figure 1) for predictive buffering in a media recorder, the system comprising:

a predictive program selection subsystem (104 – figure 1; Col. 3, lines 6-38), wherein the predictive program selection subsystem selects at least one program of interest to a user (Col. 8, lines 41-46; Col. 11, lines 27-42);

a buffering subsystem (106 – figure 1; Col. 3, lines 50-52) that buffers a portion of said one program (Col. 12, lines 8-21; Col. 17, lines 7-33).

Williams teaches that although the system can prompt the user to record a program that matches the user's interests, it may also automatically record the program on the user's behalf.

9. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Elenbaas et al. "Elenbaas" (US 2005/0028194 A1).

Regarding Claim 25, Elenbaas discloses a system (figure 1) for predictive buffering in a media recorder, the system comprising:

a predictive program selection subsystem (100 – figure 1; ¶ 18), wherein the predictive program selection subsystem selects at least one program of interest to a user (¶ 30-31 and 40);

a buffering subsystem (115 – figure 1; ¶ 18) that buffers a portion of said one program (¶ 31).

Elenbaas teaches identifying a news program of interest to the user or "at least one program of interest" and buffering a portion of the news program and storing the portion in storage device 115 (¶ 30-31 and 42).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 2-4, 10-15, 27-32, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. “Williams” (USPN 5,977,964) in view of Inoue et al. “Inoue” (USPN 5,990,881).

Regarding Claim 11, Williams discloses a method (figure 5) for buffering in a media recorder (100—figure 1), the method comprising the steps of:

determining, within a timeslot, that at least one channel is being watched by a user (i.e., system controller continuously monitors user interaction; Col. 8, lines 14-32), wherein said channel has not been preselected by the user for recording (Col. 13, lines 4-46);

buffering a portion of a program on said channel during a corresponding later time slot (Col. 13, lines 47-62).

Williams teaches the system controller determines whether a program of interest, a program normally recorded by the user, is scheduled to be recorded at a specific time slot on a certain day of the week, and if the system controller determines the program is not scheduled to be recorded, the system controller automatically buffers the program for the user. However, Williams fails to specifically disclose detecting if a user starts watching said program during said later time slot; and terminating said buffering at the end of said portion if no user starts watching said program prior to the end of said portion.

In an analogous art, Inoue discloses a method for buffering in a media recorder (figure 1), the method comprising the steps of:

buffering a portion (i.e., portion of program a4-b4 between time slots c4 and d4 as shown in figure 2B) of a program (i.e., program on channel CH4 that starts at a4 and ends at b4) on said channel (CH4 – figure 2) during a corresponding later time slot (i.e., starting at time slot c4 on CH4), said portion being shorter than the duration of said time slot (i.e., portion c4-d4 lasts 17 minutes which is less than duration of a4-b4 which is 2 hours) (Col. 5, line 63 to Col. 6, line 28);

detecting if a user starts watching said program during said later time slot (i.e., user resumes the program within 17 minutes on CH4 by sending a command to resume via user interface 106 and the stored program portion is read from disk drive 15) (Col. 6, lines 29-35 and Col. 7, line 64 to Col. 8, line 33); and

terminating said buffering at the end of said portion (i.e., if user does not resume the program d-c=17 minutes) if no user starts watching said program prior to the end of

said portion (i.e., if the user does not resume viewing within 17 minutes, microcontroller 109 instructs controller 18 to cease recording to disk 15) (Col. 6, lines 1-40).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams to include detecting if a user starts watching said program during said later time slot; and terminating said buffering at the end of said portion if no user starts watching said program prior to the end of said portion as taught by Inoue for the benefit of combining prior art elements according to known methods to yield predictable results of only storing programs of interest to the user.

As for Claim 12, Williams and Inoue disclose, in particular Williams teaches wherein the step of determining said one channel is based on a list of channels most recently viewed by the user (Col. 13, lines 13-19). Williams teaches identifying a channel that is watched every day for at least a certain number of days.

As for Claim 13, Williams and Inoue disclose, in particular Williams teaches wherein the step of determining said one channel is based on a frequency measure of channels watched within the same timeslot of a previous day (Col. 13, lines 13-19).

As for Claim 14, Williams and Inoue disclose, in particular Williams teaches wherein the step of determining said channel is a predictive process based on a

frequency measure of channels watched within the same timeslot of a previous week (Col. 13, lines 13-24).

As for Claim 15, Williams and Inoue disclose, in particular Williams teaches wherein the step of determining said channel is a predictive process based on the genre of channels being watched and previously watched (Col. 6, line 63 to Col. 7, line 2).

As for Claim 35, Williams and Inoue disclose, in particular Williams teaches wherein said timeslot is selected from a grid defining programs over an extended time period on different channels (figure 9; Col. 8, line 41 to Col. 9, line 10).

As for Claim 36, Williams and Inoue disclose, in particular Williams teaches wherein said grid is a weekly grid and said timeslot defines a program distributed at a particular day, time, and channel (figure 9; Col. 8, line 41 to Col. 9, line 10).

Regarding Claim 27, Williams discloses a system (100 – figure 1) for predictive buffering in a media recorder, the system comprising:

a predictive channel selection subsystem (104 - figure 1; Col. 3, lines 6-38) that selects at least one channel of interest to a user, said channel showing a program having a program duration (i.e., program duration determined by evaluating data in programming database 900 shown in figure 9) (Col. 8, lines 41-46; Col. 8, line 59 to Col. 9, line 4, and Col. 13; lines 4-46);

a buffering subsystem (106 – figure 1; Col. 3, lines 50-52) that buffers said one channel (Col. 13, lines 49-62 and Col. 17, lines 7-33).

Williams teaches that although the system can prompt the user to record a program that matches the user's interests, it may also automatically record the program on the user's behalf. However, Williams fails to specifically disclose a buffering subsystem that buffers said one channel for a buffering duration shorter than said program duration if the user does not start watching said program during said buffering duration.

In an analogous art, Inoue teaches a buffering subsystem (12 – figure 1) that buffers said one channel (i.e., CH4 at time T2 as shown in figure 2B) for a buffering duration (i.e., 17 minutes) shorter than said program duration (i.e., program is buffered for a duration of 17 minutes which is less than the program duration of 2 hours) if the user does not start watching said program during said buffering duration portion (i.e., if the user does not resume viewing within 17 minutes, microcontroller 109 instructs controller 18 to cease recording to disk 15) (Col. 6, lines 1-40). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Williams to include a buffering subsystem that buffers said one channel for a buffering duration shorter than said program duration if the user does not start watching said program during said buffering duration as taught by Inoue for the benefit of combining prior art elements according to known methods to yield predictable results of only storing programs of interest to the user.

As for Claim 28, Williams and Inoue disclose, in particular Williams teaches the system of claim 27, further comprising: a user identifying subsystem that identifies a watching user (Col. 9, line 18 to Col. 10, line 39).

As for Claim 29, Williams and Inoue disclose, in particular Williams teaches wherein said channel selection system [104] selects said channel of interest from a time slot on a grid listing a plurality of time slots corresponding to channels during an extended time period (figure 9; Col. 8, line 41 to Col. 9, line 10).

As for Claim 30, Williams and Inoue disclose, in particular Williams teaches wherein said grid covers a week (figure 9; Col. 8, line 41 to Col. 9, line 10).

As for Claim 31, Williams and Inoue disclose, in particular Williams teaches wherein said one channel is selected based on what the viewer has been watching in the past (Col. 12, line 52 to Col. 13, line 25).

Regarding Claim 32, Williams discloses a method of operating a personal video recorder (100 – figure 1) comprising:

determining if at least one program of interest to a user of the personal video recorder [100] is available for recording (i.e., system controller 104 searches the user's behavior log to identify channels of interest during specific time periods), said one program having a program duration (i.e., program duration determined by evaluating

data in programming database 900 shown in figure 9) (Col. 8, lines 41-46; Col. 8, line 59 to Col. 9, line 4, and Col. 13, lines 4-46);

starting to buffer said one program (Col. 13, lines 49-62 and Col. 17, lines 7-33).

Williams teaches the system controller determines whether a program of interest, a program normally recorded by the user, is scheduled to be recorded at a specific time slot on a certain day of the week, and if the system controller determines the program is not scheduled to be recorded, the system controller automatically buffers the program for the user. However, Williams fails to specifically disclose monitoring if the user starts watching said one program during a predetermined period shorter than said program duration; and terminating said buffering if said user fails to start watching said one program within said predetermined period.

In an analogous art, Inoue discloses a method of operating a personal video recorder (figure 1) comprising:

starting to buffer said one program (i.e., program a4 is paused at time T2 while the user surfs away to view another channel and during this time, segment c4-d4 of program a4 on CH4 is buffered on disk 15) (figure 2; Col. 5, line 63 to Col. 6, line 28);

monitoring if the user starts watching said one program during a predetermined period shorter than said program duration (i.e., user resumes the program within 17 minutes on CH4 by sending a command to resume via user interface 106 and the stored program portion is read from disk drive 15) (Col. 6, lines 29-35 and Col. 7, line 64 to Col. 8, line 33); and

terminating said buffering if said user fails to start watching said one program within said predetermined period (i.e., if the user does not resume viewing within 17 minutes, microcontroller 109 instructs controller 18 to cease recording to disk 15) (Col. 6, lines 1-40).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams to include monitoring if the user starts watching said one program during a predetermined period shorter than said program duration; and terminating said buffering if said user fails to start watching said one program within said predetermined period as taught by Inoue for the benefit of combining prior art elements according to known methods to yield predictable results of only storing programs of interest to the user.

As for Claim 2, Williams and Inoue disclose, in particular Williams teaches determining said one program is a predictive process based on a frequency measure of previously watched programs (Col. 6, line 63 to Col. 7, line 2). Williams discloses a user profile database 800 which is used to store user preference information such as user preferred channels, favorite programs, and preferred watching periods (Col. 5, lines 52-64).

As for Claim 3, Williams and Inoue disclose, in particular Williams teaches wherein the step of determining said one program of interest is a predictive process based on specific programs watched (i.e., top ten favorite shows) (Col. 6, line 63 to Col. 7, line 2).

As for Claim 4, Williams and Inoue disclose, in particular Williams teaches wherein the step of determining said one program of interest is a predictive process based on the genre of programs watched (i.e., favorite genres) (Col. 5, line 52 to Col. 6, line 24 and Col. 6, line 63 to Col. 7, line 2).

As for Claim 10, Williams and Inoue disclose, in particular Williams teaches wherein the program is not selected by the user (i.e., system controller 104 only identifies programs of interest that are typically recorded by the user in a future timeslot) (Col. 13, lines 4-46).

12. Claims 19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mekenkamp et al. "Mekenkamp" (US Pub. No. 2004/0091249 A1) in view of Inoue.

Regarding Claim 19, Mekenkamp discloses a method (figure 3) for predictive buffering of programs in a media recorder (PVR A – figure 1), the method comprising the steps of:

receiving a first signal containing a first set of television programs at a first receiving subsystem ("tuner 1" 52 - figure 1) (¶ 0021, 0030 and 0031);

receiving a second signal containing a second set of television programs at a second receiving subsystem ("tuner 2" 54 – figure 1) (¶ 0021, 0030 and 0031);

buffering at least a portion of one program from the first set of television programs (i.e., buffer channel designated as being of predominant interest in TSB 82)

while presenting at least one program from the second set of television programs (i.e., output user selected channel to output 70, user selected channel not being channel designated as channel of predominant interest) (¶ 0025, 0031, and 0010).

Mekenkamp discloses allowing the user to buffer a channel of predominant interest which provides the user with the ability to channel surf and to return later to the channel of predominant interest. However, Mekenkamp fails to disclose wherein said buffering initiated in a selected time slot and is terminated if a user does not watch said one program within a predetermined interval.

In an analogous art, Inoue teaches wherein said buffering initiated in a selected time slot (i.e., user pauses program a4-b4 on CH4 at time T2 to surf away and view another program) and is terminated if a user does not watch said one program within a predetermined interval (i.e., if user doesn't resume viewing within 17 minutes, such that d-c=17 minutes, microcomputer 109 instructs controller 18 to stop buffering CH4 on disk 15) (figure 2; Col. 5, line 63 to Col. 6, line 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Mekenkamp to include wherein said buffering initiated in a selected time slot and is terminated if a user does not watch said one program within a predetermined interval as taught by Inoue for the benefit of combining prior art elements according to known methods to yield predictable results of only storing programs of interest to the user.

As for Claim 21, Mekenkamp and Inoue disclose, in particular Mekenkamp teaches wherein selection of the at least one program (i.e., channel of predominant

interest) from the first set of television programs is based on input from the user (¶ 0025).

As for Claim 22, Mekenkamp discloses a method for buffering in a media recorder (PVR A – figure 1), the method comprising the steps of:

identifying a program of interest to a user (i.e., a channel selected by user), said program having a first duration (i.e., first duration equals length of program on selected channel) (¶ 0023); and

buffering said program for a second duration (i.e., buffer said program for duration of a pause event during live TV) that is shorter than said first duration (i.e., pause event being shorter than duration of program), by starting said buffering at the beginning of a predetermined time slot (¶ 0023-0024).

Mekenkamp discloses allowing the user to buffer a channel of predominant interest which provides the user with the ability to channel surf and to return later to the channel of predominant interest. However, Mekenkamp fails to disclose ending said buffering at the end of said second duration unless a user starts watching said program.

In an analogous art, Inoue discloses ending said buffering at the end of said second duration unless a user starts watching said program (i.e., if a user doesn't resume viewing of CH4 within 17 minutes, the recording is stopped) (figure 2; Col. 5, line 63 to Col. 6, line 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Mekenkamp to include ending said buffering at the end of said second duration unless a user starts

watching said program as taught by Inoue for the benefit of combining prior art elements according to known methods to yield predictable results of only storing programs of interest to the user.

As for Claim 23, Mekenkamp and Inoue disclose, in particular Mekenkamp teaches the method of claim 22 further comprising sensing that the user has started to watch said program (i.e., user ends pause event), and in response, continuing to buffer a current portion of the program as the user is watching a previously buffered portion of the program (¶ 0023).

13. Claims 5 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Inoue as applied to claim 32 above, and further in view of Sezan et al. "Sezan" (US Pub. No. 2004/0268389 A1).

As for Claim 5, Williams and Inoue are silent on disclosing wherein the step of determining said one program of interest is a predictive process based on the recommendations of other users.

In an analogous art, Sezan discloses wherein the step of determining said one program of interest is a predictive process based on the recommendations of other users (i.e. movie critics Siskel and Ebert) (¶ 246). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams and Inoue to include wherein the step of determining said one program of interest is a predictive process based on the recommendations of other users as taught by Sezan

for the benefit of filtering program descriptions based on reviews and recommendations of a program of interest.

As for Claim 33, Williams and Inoue fail to specifically disclose the method of claim 32 further comprising receiving an indication that said user has started watching said one program and presenting said one program to the user from its beginning while said one program is being buffered, whereby the user can watch said one program from its beginning to its end.

In an analogous art, Sezan discloses receiving an indication that said user has started watching said one program and presenting said one program to the user from its beginning while said one program is being buffered, whereby the user can watch said one program from its beginning to its end (¶ 0056). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams and Inoue to include receiving an indication that said user has started watching said one program and presenting said one program to the user from its beginning while said one program is being buffered, whereby the user can watch said one program from its beginning to its end as taught by Sezan for the benefit of ensuring a user can view a program in its entirety even if the user is late and has missed the first portion of the program by restarting the program from the beginning.

14. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Inoue and further in view of Sezan as applied to claim 5 above, and further in view of Ismail et al. "Ismail" (USPN 7,146,627).

As for Claims 6 and 8, Williams, Inoue, and Sezan are silent on disclosing wherein the recommendations of other users are extracted from Web Log entries and online reviews.

In an analogous art, Ismail discloses wherein the recommendations of other users are extracted from Web Log entries and online reviews (Col. 20, lines 46-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams, Inoue, and Sezan to include wherein the recommendations of other users are extracted from Web Log entries as taught by Ismail for the benefit of gathering more user preferences from other sources.

15. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Inoue and further in view of Sezan as applied to claim 5 above, and further in view of Abramson (US Pub. No. 2005/0034151 A1).

As for Claims 7 and 9, Williams, Inoue, and Sezan fail to disclose wherein the recommendations of other users are extracted from one or more messages from an instant messaging service or email messages.

In an analogous art, Abramson disclose wherein the recommendations of other users are extracted from one or more messages from an instant messaging service or email messages (¶ 56). By disclosing uses can send recommendations by email or

instant message, Abramson teaches recommendations from other users are extracted from an instant message or email message. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams, Inoue, and Sezan to include wherein the recommendations of other users are extracted from one or more messages from an instant messaging service or email as taught by Abramson for the benefit of collecting more information regarding upcoming programs.

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Inoue as applied to claim 11 above, and further in view of Sezan.

As for Claim 16, Williams and Inoue fail to disclose wherein the step of determining said channel is a predictive process based on recommendations.

In an analogous art, Sezan teaches wherein the step of determining said channel is a predictive process based on recommendations (i.e. reviews by Siskel and Ebert) (¶ 246). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams and Inoue to include wherein the step of determining said channel is a predictive process based on recommendations as taught by Sezan for the benefit of filtering program descriptions based on reviews and recommendations of a program of interest.

17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Inoue as applied to claim 11 above, and further in view of Rodriquez (US Pub. No. 2003/0110500 A1) [cited in applicant's IDS].

As for Claim 18, Williams and Inoue fail to disclose wherein the buffering of the portion of a program on said channel continues until a channel of higher interest is found, after which the buffering commences of a portion of a program on said channel of higher interest.

In an analogous art, Rodriquez discloses wherein the buffering of the portion of a program on said channel continues until a channel of higher interest is found, after which the buffering commences of a portion of a program on said channel of higher interest (¶ 147-149). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams and Inoue to include wherein the buffering of the portion of a program on said channel continues until a channel of higher interest is found, after which the buffering commences of a portion of a program on said channel of higher interest as taught by Rodriquez for the benefit of providing the user with channels that are more appealing to the user.

18. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mekenkamp in view of Inoue as applied to claim 19 above, and further in view of Williams.

As for Claim 20, Mekenkamp and Inoue fail to specifically disclose wherein selection of the at least one program from the first set of television programs is based on a predictive process.

In an analogous art, Williams discloses wherein selection of the at least one program from the first set of television programs is based on a predictive process (Col. 3, lines 6-38; Col. 8, lines 41-46 and Col. 11, lines 27-42). Williams teaches that although the system can prompt the user to record a program that matches the user's interests, it may also automatically record the program on the user's behalf. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Mekenkamp and Inoue to include wherein selection of the at least one program from the first set of television programs is based on a predictive process as taught by Williams for the benefit of automatically selecting a program of interest based on a user's system interaction and preferred system access times.

19. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mekenkamp in view of Inoue as applied to claim 22 above, and further in view of Elenbaas.

As for Claim 24, Mekenkamp and Inoue disclose, in particular Mekenkamp teaches the method of claim 22 further comprising identifying a second program (i.e., user designates a channel of predominant interest) and buffering said second program (i.e., designated channel is routed through TSB 82) (¶ 0023-0025). However,

Mekenkamp fails to specifically disclose buffering said second program at the end of said second duration.

In an analogous art, Elenbaas discloses a method for identifying a plurality of news segments 111 of interest to a user within a video stream, wherein news segments 111 of interest are buffered and stored to a storage device 115 (¶ 0018). Further, Elenbaas discloses monitoring multiple broadcast channels and news programs (¶ 0022), wherein the classification system shown in figure 1 is capable of buffering a portion of a first news program until the portion ends and then identifying a second news program of interest to the user and automatically buffering a portion of the second news program and storing the portion in storage device 115 based on a user profile (¶ 30-31, 40, and 42). Thus, Elenbaas discloses the desirability to identify a second program or "second news program" of interest and buffering said second program at the end of a first program or "first news program" of interest to the viewer after buffering a segment within the first program. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Mekenkamp and Inoue to include buffering said second program at the end of said second duration as taught by Elenbaas for the predictable result of identifying a program of interest to the user and buffering said program at the conclusion of the previous program.

20. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Inoue as applied to claim 32 above, and further in view of Allen et al. "Allen" (US 2003/0041332 A1).

As for Claim 34, Williams and Inoue fail to specifically disclose the method of claim 32 further comprising receiving a command from the user to start the presentation of said one program from its beginning.

In an analogous art, Allen discloses receiving a command from the user to start the presentation of said one program from its beginning (¶ 0093). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Williams and Inoue to include receiving a command from the user to start the presentation of said one program from its beginning as taught by Allen for the benefit of allowing the user to restart the program to prevent missing anything important happening at the beginning of the program.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

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Examiner
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/C. P./

Examiner, Art Unit 2421